THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.26126 of 2006

Dated:23.08.2007

Between:

Smt.K.Sandhya, W/o.K.Mohan,
and others.

…Petitioners

and

The District Collector,
Ranga Reddy District,
Lakdika pool, Hyderabad,
and others.

…Respondents

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ORDER:

The petitioners, who are nineteen in number, filed the instant Writ Petition seeking a writ of mandamus declaring the action of the respondents in threatening to dispossess them from their houses in Survey No.136 situated at Gachibowli Village of Serilingampally Mandal in Ranga Reddy District, as illegal and arbitrary, and for a consequential direction to the respondents not to dispossess them.

The case of the petitioners is that all of them belong to Scheduled Caste/Scheduled Tribe/Backward Class and Minorities, and that they approached the respondents for grant of pattas. In File No.B/797/2001, all of them were allotted house sites admeasuring 60 square yards to 80 square yards each, and the petitioners constructed small houses, which were also allotted municipal numbers by Serilingampally Municipality. Respondents 2 and 3 at the advise of the first respondent allegedly threatened the petitioners to dispossess, and therefore, the petitioners filed the present Writ Petition.

At the stage of admission itself, the Tahasildar – third

respondent; filed a counter affidavit making the following averments.

> …It is respectfully submitted that the averments made in the paras are incorrect. It is submitted that the House Site Patta Certificates issued in File No.B/797/2001 is incorrect and on verification of the Distribution Register, the closing number of the Distribution Register for the year 2001 is "653". Hence, the issue of Patta Certificates in File No.B/797/2001 is not acceptable and these certificates are seemed to be fake certificates in respect of Sy.No.136 of Gachibowli Village. The Municipality laid the routes etc., in the weaker section colony in which House site pattas Certificates were issued in Sy.No.136 of Gachibowli Village.
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> …It is respectfully submitted that during the visit of Additional Revenue Inspector, Serilingampally Mandal in Sy.No.136 of Gachibowli Village, he noticed some illegal constructions are coming up and stopped the same. Then, the encroachers produced Xerox copies of the certificates issued in File No.B/797/2001 and after enquiry, it reveals that the certificates produced are faked certificates. Hence, proposals submitted to the Revenue Divisional Officer, Chevella Division vide Lr.No.B/717/2006, dated:16.06.2006 and the Revenue Divisional Officer, Chevella Division cancelled the Bogus Certificates issued in File No.B/797/2001 vide Proceedings No.D/3278/2006 dated:04.11.2006 and directed the Mandal Revenue Officer, Serilingampally to take over the possession of the said land immediately.
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> …It is respectfully submitted that after cancellation of the certificates by the Revenue Divisional Officer, Chevella Division, the encroachers who are encroaching the land by constructing single rooms on the guise of certificates issued in File No.B/797/2001 were warned by the Mandal Revenue Inspector, Serilingampally Mandal to stop the illegal constructions and vacate the same immediately.

Though counter affidavit is filed on 24.01.2007, reply affidavit is not filed by the petitioners. Therefore, the counter averments stand unrebutted. The Writ Petition is, therefore, liable to be dismissed. However, this Court observes that if some of the petitioners encroached upon the Government land, due process of law will be followed for vacating them.

The Writ Petition, with the above observation, is accordingly dismissed. No costs.

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(V.V.S.RAO, J)

23.08.2007

vs